

Foreclosure Prevention Project OF BUFFALO AND WESTERN NEW YORK

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CREATING COMMUNITY STABILITY BY MAINTAINING HOMEOWNERSHIP

August 8, 2014

Fein, Such & Crane LLP
28 East Main Street, Suite 1800
Rochester, NY 14614

RE: HSBC Bank v. Suitor; Index # E150988/2013

To Whom It May Concern,

My clients, William and [REDACTED] Suitor, have received your client's offer for a loan modification. Please note they did not receive the papers until August 1, 2014 where the letter requested its return by July 31, 2014. My clients want to accept the modification, but take issue with the new principle balance. Particularly, my clients dispute the addition of fees and costs in the amount of \$1,748.00 and a "recoverable balance" in the amount of \$3,767.59. If this "recoverable balance" cannot be substantiated by documented evidence, then the defendants request HSBC / PHH deduct this amount and re-calculate the modification.

William Suitor duly filed and served a pro se answer asserting several viable defenses in this action and reserved his right to attorney's fees. Under Real Property Law § 282 a prevailing defendant can be awarded attorney's fees in a foreclosure action. Since neither party is prevailing (or both are prevailing), I propose a settlement where both parties waive their claims to fees and costs and other amounts, and we re-calculate the modification based on the lower new principle balance. We have a settlement conference in this action on August 14, 2014, where we can work through the Court to settle the issue. Hopefully, we can resolve the issue among ourselves prior to that date.

Sincerely,



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